

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

NATHAN GERDES,)	
)	
Plaintiff,)	
)	
vs.)	8:09CV313
)	
NORTHEAST COMMUNITY COLLEGE,)	ORDER
A Political Subdivision of the State of)	
Nebraska,)	
)	
Defendant.)	

This matter is before the court by consent of the parties on the defendant's Motion to Compel (#32) and Motion to Extend Deadlines (#35).

In the Motion to Compel, filed January 14, 2011, the defendant reports that the plaintiff "failed to adequately answer particular Interrogatories and Request for Production of Documents to date, regarding Plaintiff's alleged damages and educational history including, but not limited to, Interrogatory Nos. 3, 10, 14, 18, 20, 22, 23, 24, and 25 and Request for Production Nos. 1, 5, 6, 7, 15, 18, 19, 20, 21, and 22." These requests were served on the plaintiff nearly one year ago. The defendant also filed an index which includes the text of the discovery requests, but not the plaintiff's responses. Nor did the defendant file a brief in support of the motion to compel. Under the circumstances, it is impossible for the court to rule on the merits of the defendant's discovery motion. The motion will be denied without prejudice to the defendant filing a properly supported motion, no later than January 31, 2011.

In the motion for extension of time, the defendant requests an extension of the deadline to file motions for summary judgment, due to the plaintiff's alleged failure to provide discovery.¹ The deadline will be extended to February 15, 2011 at this time.

IT IS SO ORDERED.

DATED January 21, 2011.

BY THE COURT:

**s/ F.A. Gossett, III
United States Magistrate Judge**

¹The court notes that the discovery deadline expired on December 16, 2010; however, on January 19, 2011, the defendant filed a notice of intent to conduct further discovery by issuing a subpoena duces tecum on Wayne State College.